IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.697 OF 2004

Dattatray Bhagwan Jadhav & Ors. ..
Petitioners.
Vs.
State of Maharashtra & Ors. ..
Respondents.

....

Mr. S.P. Pawar for the Petitioners.
Mrs. Jyoti Pawar, Additional Government Pleader for the State.

...

**CORAM : KSHITIJ R. VYAS, C.J. &**
**DR.D.Y.CHANDRACHUD, J.**

21st March, 2006.

P.C. :

The Petitioners are the students of Bharati Vidyapeeth located in Dhanakwadi area studying in different faculties in the said Educational Institute. The grievance of the Petitioners is in respect of the D.P. Road, which has been shown in the development plan as passing through Survey No.130 to 131, which belongs to Respondent No.3 University, which runs various colleges such as medical, engineering etc. According to the Petitioners existence of D.P. Road in the campus area is against the interest and convenience of the students, in as much as there would be noise as well as air pollution. The Petitioners have

therefore prayed for a direction to Respondent No.1 Government to complete the procedure under Section 37 of the Maharashtra Regional Town Planning Act, 1966. In our opinion, the Petition at the behest of the students is not tenable, as also this Court cannot direct the Government to modify the development plan prepared under the Maharashtra Regional Town Planning Act, since it is within the domain of the Government to take appropriate decision approving the development plan. The Petition at this stage is required to be dismissed and is hereby dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD,
J.